

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RYSTA LEONA SUSMAN, as Legal Guardian of  
SHANE ALLEN LOVELAND, et al.

Plaintiffs,

v.

GOODYEAR TIRE & RUBBER COMPANY, et al,

Defendant.

CIVIL ACTION NO.: 2:17-cv-03521

**DECLARATION OF JUSTIN KERNER, ESQ.**

I, Justin Kerner, Esq., declare:

1. I am over the age of eighteen (18). Unless otherwise indicated, I have personal knowledge of the matters set forth in this declaration, and I am competent to testify to the following:

2. I am an attorney licensed and in good standing in the Commonwealth of Pennsylvania, the State of New Jersey, and the State of New York. I am an associate in the law firm of DLA Piper LLP (US) (“DLA Piper”).

3. I understand that this Declaration is offered in support of the Opposition to plaintiffs’ motion to remand the above-captioned matter to the Philadelphia Court of Common Pleas, filed on behalf of The Goodyear Tire & Rubber Company (“Goodyear”).

4. DLA Piper was retained by Goodyear to represent its interests in this action.

5. In the course of that representation, I received and reviewed a copy of a police report, detailing the accident underlying this action. A true and correct copy of that police report is attached hereto as **Exhibit A**.

6. A true and correct copy of Plaintiffs' first Complaint, lodged in the Philadelphia Court of Common Pleas under Case No. 170300489 on March 8, 2017 (the "First Action"), is attached hereto as **Exhibit B**.

7. A true and correct copy of Goodyear's Notice of Removal of the First Action, *Susman v. Goodyear Tire & Rubber Co.*, Civil Action No. 17-1682 (E.D. Pa. Apr. 12, 2017), ECF No. 1, is attached hereto as **Exhibit C**.

8. A true and correct copy of Goodyear's Answer to the Complaint filed in the First Action, filed on April 19, 2017, ECF No. 4, is attached here to as **Exhibit D**.

9. A true and correct copy of Goodyear's Motion to Transfer the First Action, *Susman v. Goodyear Tire & Rubber Co.*, Civil Action No. 17-1682 (E.D. Pa. Apr. 19, 2017) ECF No. 5, is attached hereto as **Exhibit E**.

10. A true and correct copy of the Declaration of Daniel T. Young (and accompanying exhibits), filed in Support of Goodyear's Notice of Removal of First Action, is attached hereto as **Exhibit F**.

11. A true and correct copy of a letter that I sent on behalf of Goodyear to the Honorable Joel Slomsky, dated May 31, 2017, is attached hereto as **Exhibit G**.

12. A true and correct copy of the Declaration of Jay Lawrence, filed in support of Goodyear's Motion to Transfer the First Action, is attached hereto as **Exhibit H**.

13. A true and correct copy of Plaintiffs' stipulation of dismissal of the First Action is attached hereto as **Exhibit I**.

14. Plaintiffs commenced the second action on May 1, 2017 (the "Second Action"), by filing a Praecipe to Issue a Writ of Summons in Case No. 170500306. A true and correct copy of the Praecipe to Issue Writ of Summons is attached hereto as **Exhibit J**.

15. A true and correct copy of a letter from Goodyear to Daniel J. Sherry, Jr., Esq., dated May 20, 2017, rejecting attempted service upon entities other than Goodyear (doing business in his own name), is attached hereto as **Exhibit K**.

16. A true and correct copy of the Complaint filed in the Second Action, lodged in the Philadelphia Court of Common Pleas under Case No. 170500306 on July 18, 2017, is attached is attached hereto as **Exhibit L**.

17. A true and correct copy of a letter from Goodyear to Daniel J. Sherry, Jr., Esq., dated August 4, 2017, rejecting attempted service of the Complaint filed in the Second Action upon entities other than Goodyear (doing business in its own name), is attached hereto as **Exhibit M**.

18. A true and correct copy of the (state/federal) docket sheet from the Second Action, last updated September 5, 2017, is attached hereto as **Exhibit N**.

19. A true and correct copy of Goodyear's Notice of Removal of the Second Action, filed on August 7, 2017, ECF No. 1, is attached hereto as **Exhibit O**.

20. A true and correct copy of a letter from the Pennsylvania Department of State, dated May 12, 2017, is attached hereto as **Exhibit P**.

21. As of May 2017, the records maintained by the Pennsylvania Department of State, which are available online, demonstrate that no domestic Pennsylvania business entity known as "Goodyear Tire & Rubber Company" exists. I searched the Department of State's website for any active entity whose name includes the words "Goodyear Tire & Rubber Company," and, as shown in **Exhibit Q**, only one entry appears: the entry for Goodyear, *i.e.*, "The Goodyear Tire & Rubber Company," an Ohio company registered to do business in Pennsylvania only as a "Foreign" corporation. A true and correct copy of the results of that search, last run on the

Department of State's website, <http://www.corporations.pa.gov/Search/corpsearch>, on August 30, 2017, are attached hereto as **Exhibit R**.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on September 5, 2017, in Philadelphia, Pennsylvania.

/s Justin E. Kerner

Justin Kerner, Esq.